

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 06-3826

---

United States of America,

Appellee,

v.

Joel Keith Day,

Appellant.

\*

\*

\*

\*

\*

\*

\*

\*

\*

Appeal from the United States  
District Court for the  
Eastern District of Missouri.

[UNPUBLISHED]

---

Submitted: November 13, 2007

Filed: November 16, 2007

---

Before BYE, RILEY, and MELLOY, Circuit Judges.

---

PER CURIAM.

Joel Keith Day (Day) appeals the 9-month prison sentence imposed upon him after the district court<sup>1</sup> revoked his supervised release. We conclude Day's appeal is moot because he was released from custody on May 4, 2007, and is not serving a further term of supervised release. See United States v. Johnson, 209 Fed. Appx. 608 (8th Cir. 2006) (unpublished per curiam) (dismissing as moot defendant's appeal of his 7-month prison sentence, imposed after revocation of supervised release, where defendant had been released from custody); cf. Spencer v. Kemna, 523 U.S. 1, 6, 18

---

<sup>1</sup>The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

(1998) (declaring challenge to allegedly erroneous parole revocation moot because defendant had already served his entire sentence). Therefore, the appeal is dismissed and counsel's motion to withdraw is denied as moot.

---